PUBLIC SERVICE COMMISSION OF SOUTH CAROLINA COMMISSION DIRECTIVE

ADMINISTRATIVE MATTER	DATE	May 05, 2022	
MOTOR CARRIER MATTER	DOCKET NO.	2022-88-T	
UTILITIES MATTER	ORDER NO.		

SUBJECT:

<u>Docket No. 2022-88-T</u> - Application of <u>MyRide SC, LLC</u> for Class C (Non-Emergency) Certificate of Public Convenience and Necessity for Operation of Motor Vehicle Carrier – Staff Presents for Commission Consideration the Petition to Intervene Filed on Behalf of Candace M. Burch.

COMMISSION ACTION:

I move the Commission deny the Petition to Intervene filed by Candace M. Burch (Petitioner). Petitioner lacks standing to intervene, fails to state valid grounds for intervention, and has taken inconsistent positions before this Commission.

- 1. Petitioner states she is the owner/principal of a Non-Emergency Transportation carrier serving the same counties which the Applicant seeks to serve, and is thus a competitor of the Applicant. While Petitioner's transportation company may have an interest in this docket, Petitioner in her personal capacity does not.
- 1. As grounds for intervention, Petitioner alleges there is sufficient capacity from existing carriers in the counties where the Applicant seeks to serve and makes an economic allegation also. For the following reasons, the Petition fails to state valid grounds for intervention:
- The Petition alleges (based on hearsay) that several carriers already serve one of the nine counties which Applicant seeks to serve but provides no information on the other counties. Petitioner further asserts that the transportation broker for non-emergency medical transportation for Medicaid in South Carolina has not offered a fee increase in eight years. In *Greyhound Lines, Inc. v. South Carolina Public Service Comm'n,* 274 S.C. 161,166, 262 S.E. 2d 18, 21 (1980), the Supreme Court of South Carolina held that detrimental diversion of income while sometimes relevant to a determination of public convenience and necessity "is not determinative, as loss of revenue by existing carrier should not itself defeat an application for additional services."
- Further, an application for Class C Non-Emergency authority was filed on March 17, 2022, by a corporation in which Petitioner was listed as a principal officer. That Application was filed some 16 days after the application of MyRide was filed on March 1, 2022, and on the same day Petitioner filed a letter of protest in this docket. Although filed later in time, the application of the entity in which Petitioner is a principal was granted a Certificate for Class C Non-Emergency Public Convenience and Necessity. It is inconsistent for the entity of which petitioner is a principal to assert through the filing of its application that a need exists for Class C Non-Emergency transportation services and then allege in a Petition against a competitor, who filed first in time, that no need for the service exists.

For these reasons, I move the Petition to Intervene be denied.

PRESIDING: SESSION: Regular TIME: 2:00 p.m.

RECORDED BY: J. Schmieding

J. Williams

	MOTION	YES	NO OTHER	
BELSER	✓	✓		Present in Hearing Room
CASTON		✓		Voting via WebEx
ERVIN		✓		Voting via WebEx
POWERS		✓		Present in Hearing Room
THOMAS		✓		Voting via WebEx
C. WILLIAMS		✓		Present in Hearing Room
J. WILLIAMS		✓		Present in Hearing Room

